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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,592

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Horst-Werner Maier-Hunke

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EXAMINER

ISLAM, SYED A

ART UNIT

PAPER NUMBER

3611

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,592	<b>Applicant(s)</b> MAIER-HUNKE, HORST-WERNER	
	<b>Examiner</b> SYED A. ISLAM	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 8-12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmanski et al. (5,189,822).

Regarding claim 1, Schmanski et al. disclose a sign, in particular an information sign, having a main body 10 (col. 3, line 29; see fig. 1) and a transparent covering panel 28 (col. 4, line 2; see fig. 1), connected detachably with the main body, for a sheet-form information carrier 30 (col. 4, line 11; see fig. 1) suitable for accommodation between the main body 10 and the covering panel 28, and having means for securely holding together the main body, the covering panel 28 and the information carrier 30, the main body 10 being provided at two mutually opposing edges with guide grooves 18 (col. 4, line 36; see fig. 1) for two likewise mutually opposing edges of the covering panel 28 and of the information carrier 30, characterized in that the main body 10 additionally comprises at least one undercut groove 22 (col. 3, line 56; see fig. 1) between its edges provided with guide grooves 18, said additional groove serving to accommodate at least

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one clamping slide 32 (col. 4, line 18; see fig. 1), the end of which remote from the center of the groove forms a holder for one of the edges of the covering panel 28 and of the information carrier 30 not engaging in the guide grooves 18 (see fig. 2, where the slide is not in contact with the side groove 16).

Regarding the limitation of said undercut groove accommodating at least one clamping slide (15), Schmanski et al. fail to disclose the limitation. However, the undercut groove of the Schmanski et al. is integrally formed with the main body panel 10. Therefore, the clamping slide that accommodating the guide grooves while holding the panel and cover also accommodating the undercut groove since it is integrally formed.

Regarding claim 3, Schmanski et al. disclose its main body 10 takes the form of a portion of an extruded profile.

Regarding claim 4, Schmanski et al. disclose the undercut groove 22 forms a rectangular channel open toward the front of the sign (see fig. 1).

Regarding claim 5, Schmanski et al. disclose the main body is provided at its rear with ribs 14 (col. 3, line 34; see fig. 1) extending parallel to the guide grooves 18.

Regarding claim 6, Schmanski et al. disclose the undercut groove 22 projects slightly beyond the free ends of the ribs 14 (see fig 2).

Regarding claim 7, Schmanski et al. disclose the rear wall of the undercut groove 22 is provided with holes 24 (col. 3, line 65; see fig. 1) for fastening screws 26 (col. 3, line 67; see fig. 2).

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Regarding claim 10, Schmanski et al. disclose the clamping slides 32 comprise narrow webs 46 (col. 4, line 24; see fig. 3) engaging over the edges of the covering panel 28.

Regarding claim 11, Schmanski et al. disclose the clamping slides 32 rest via clamping webs 40 (col. 4, line 52; see fig. 2, 3) against inner walls of the undercut groove 22.

Regarding claim 12, Schmanski et al. disclose the clamping slides 32 take the form of injection molded parts of plastics material (col. 6, line 29).

Regarding claim 17, Schmanski et al. disclose its main body takes the form of a portion of an extruded profile.

Regarding claim 8, Schmanski et al. fail to disclose the holes take the form of slots offset relative to one another by 90°. However, it would have been obvious to one of ordinary skill in the art at the time of invention to offset the holes by 90 degree since it will still perform the similar function, because it is simple and inexpensive.

Regarding claims 9 and 18, Schmanski et al. disclose portions 38 (col. 4, line 41; see fig. 3) of the clamping slides 32 introducible into the undercut groove, but fails to disclose the portions form covers for the holes and the heads of fastening screws. However, Schmanski et al. disclose any modification to the slides regarding size and shape are apparent to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the plate to cover the screw for the purpose of preventing any damage or accidents.

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Claims 13-16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmanski et al. in view of Deniz (US 2007/0101629).

Regarding claim 13, Schmanski et al. fail to disclose at least one clamping slide is provided in the area of its end forming the holder with a display panel which can be swiveled to and fro between two positions. However, Deniz discloses a clamping slide is provided in the area of its end forming the holder with a display panel 24 (para 0017, line 1; see fig. 2) which can be swiveled to and fro between two positions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Deniz in the invention of Schmanski et al. for the purpose of display information.

Regarding claim 14, Schmanski et al. fail to disclose the end of the clamping slide forming the holder is constructed in the manner of a plate, which comprises at its rear edge a bearing block for the display panel. However, Deniz discloses the end of the clamping slide forming the holder is constructed in the manner of a plate, which comprises at its rear edge a bearing block 16 (para 0016; line 1; see fig. 1) for the display panel. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Deniz in the invention of Schmanski et al. for the purpose of allowing the display panel to swivel.

Regarding claims 15 and 19, Schmanski et al. fail to disclose only the end of the clamping slide projecting beyond the top edge of the main body is provided with a display panel. However, Deniz discloses only the end of the clamping slide projecting beyond the top edge of the main body is provided with a display panel 24 (see fig. 1, 2).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Deniz in the invention of Schmanski et al. because it is simple and inexpensive.

Regarding claims 16 and 20, Schmanski et al. fail to disclose one of its end positions, the display panel covers the end of the clamping slide projecting beyond the main body. However, Deniz discloses one of its end positions, the display panel 24 covers the end of the clamping slide projecting beyond the main body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to use the teaching of Deniz in the invention of Schmanski et al. because it is simple and inexpensive.

#### ***Allowable Subject Matter***

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED A. ISLAM whose telephone number is (571)272-7768. The examiner can normally be reached on Monday-Friday 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul D. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. I./



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Examiner, Art Unit 3611

/Paul N. Dickson/

Supervisory Patent Examiner, Art Unit 3600